

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**COAL RIVER MOUNTAIN WATCH,
APPALACHIAN VOICES, and
SIERRA CLUB,**

Plaintiffs,

v.

Case No.: 5:18-cv-01449

REPUBLIC ENERGY, LLC,

Defendant.

JOINT MOTION TO MODIFY JANUARY 22, 2019 ORDER

Pursuant to Local Rule 16.1(f)(1), the Parties hereby request that the deadlines in the Court's January 22, 2019 Scheduling Order (Doc. #18) be continued. The Court's scheduling order provided until June 3, 2019 for filing the joint stipulation of fact and cross-motions for summary judgment. The modification proposed by this motion would affect the deadline for filing of motions. Thus, the modification must be accomplished through an order of the Court, rather than through a stipulation of the parties via Fed. R. Civ. Proc. 16.1(f)(2).

Republic Energy, LLC ("Republic") filed a motion to dismiss this lawsuit on January 21, 2019. Doc. #16. Plaintiffs filed a response to Republic's motion on March 4, 2019 (Doc. #23), and Republic filed a reply brief on March 15, 2019 (Doc. #26). If the Court rules in Republic's favor and dismisses the suit, the parties' efforts towards the stipulation and cross-motions for summary judgment will be for naught. Accordingly, in the interest of efficiency, the parties jointly request a suspension of the current schedule until after the Court rules on Republic's motion to dismiss.

Respectfully submitted,

/s/ Christopher M. Hunter

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CERTIFICATE OF SERVICE

I, Christopher M. Hunter, do hereby certify that on May 8, 2019, I electronically filed the foregoing JOINT MOTION TO MODIFY JANUARY 22, 2019 ORDER with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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